

Judicial Variance Statement for Judge Julia W. Brand

Regarding LBR, The Central Guide, and Forms

Updated February 17, 2022

Bankruptcy Judge BRAND enforces the Local Bankruptcy Rules, The Central Guide, and use of mandatory court forms. However, here are a few clarifications and exceptions:

A. Local Bankruptcy Rule (LBR):

1. **LBR 3015-1(q)(6)(A) - Dismissal or Conversion of Case, Distributions after Notice to Chapter 13 Trustee:** With respect to any unpaid attorney's fee or expense asserted under a Rights and Responsibilities Agreement signed by the debtor's attorney and the debtor or an FRBP 2016(b) statement or any supplemental fee or expense under 11 U.S.C. § 330, the attorney must provide a declaration and a timesheet detailing the amount requested and provide evidence to show that the requested attorneys' fees and expenses were reasonable, actual, and necessary.
2. **LBR 3015-1(v) – Attorneys' Fees:** Judge Brand generally allows the No Look Fee Maximums for additional services, which are found in The Central Guide (https://www.cacb.uscourts.gov/sites/cacb/files/documents/the-central-guide/TCGSupp3015-1%28v%29_Ch13Fees.pdf), but will evaluate each application on a case-by-case basis and may determine that a lesser fee or no fee is appropriate under the specific circumstances. In addition to the "no-look" fee, Judge Brand will generally allow one-half hour of paralegal time for preparing the fee application and obtaining the debtor's consent, or preparing a detailed declaration concerning attempts to obtain the debtor's consent. Fee applications with detailed billing records must be filed where there is no court-approved no-look fee, or no fees will be awarded.
3. **LBR 5005-2(d) – Judge's Copy:** Judge Brand waives application of LBR 5005-2(d) (requirement for service of judge's copies) for all documents, unless otherwise directed by the Court. If a Judge's Copy is required, you will be contacted by Judge Brand's chambers.
4. **LBR 7016-1(b) – Pretrial Stipulation and Order:** A pretrial stipulation must be filed on the docket, but not separately lodged in LOU. A separate proposed pretrial order must be lodged in LOU.
5. **LBR 7055-1(b) – Motion for Default Judgment:** Motions for default judgment should be set for hearing and should include not only the information and supporting evidence set forth in LBR 7055-1, but also sufficient admissible evidence to establish all the elements of plaintiff's case in chief.
6. **LBR 7056-1(b)(2) - Summary Judgment:** The proposed statement of uncontroverted facts and conclusions of law must be served and filed on the docket but should not be lodged in LOU at the same time. The court may direct the prevailing party to lodge proposed findings and conclusions after the hearing on summary judgment or partial summary judgment. A proposed summary judgment should not be lodged in LOU until after the hearing date.

7. **LBR 9013-1(j) – Appearance at Hearing:** In most cases, Judge Brand issues tentative rulings 24 hours prior to the date scheduled for a hearing. These rulings are generally available via the Court's website and its Tentative Rulings mobile app and appear on the calendars posted outside the courtroom and placed on counsel tables inside the courtroom. Please note, however, that, notwithstanding the issuance of a tentative ruling, unless the tentative ruling itself states that no appearance is necessary, appearances are required.
8. **LBR 9020-1(a), (b) – Order to Show Cause by Hearing and Filing Written Explanation Why Party Should Not Be Held in Contempt:** Contempt proceedings must be initiated via adversary proceeding. See FRBP 7001(7). LBR 9020-1(c)-(f) otherwise apply.

B. The Central Guide: See above. Any other variances are determined on a case-by-case basis.

C. Mandatory LBR Forms:

1. LBR 9009-1 refers to LBR forms that are marked “mandatory” or “optional” in the footer of the form. Judge Brand follows the “mandatory” and “optional” distinction by requiring use of all mandatory forms and allowing but not requiring use of “optional” forms.
2. Any variances are determined on a case-by-case basis. Any proposed variances by a party must be clearly shown by “redlining.”

D. Optional Forms that Judge Brand Requires or Prohibits: See above. Any other variances are determined on a case-by-case basis

E. Other Forms or Format Required Only By Judge Brand: Please see Judge Brand's Procedures (posted at www.cacb.uscourts.gov, “Judges,” “Brand, J.,” “Self-Calendaring,” “Instructions/Procedures,” “Procedures,” “Chapter 13”). Any other variances are determined on a case-by-case basis.